

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Brian Avery Tart

Docket No. 7:10-CR-43-5BO

Petition for Action on Supervised Release

COMES NOW Corey Rich, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Avery Tart, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Manufacture, Distribute, and Dispense and Possess With the Intent to Distribute 500 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, was sentenced by the Honorable James C. Fox, U.S. District Judge, on March 24, 2011, to the custody of the Bureau of Prisons for a term of 100 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On December 16, 2014, pursuant to 18 U.S.C. 3582(c)(2), the imprisonment term was reduced to 73 months.

Brian Avery Tart was released from custody on October 30, 2015, at which time the term of supervised release commenced.

As a result of the defendant testing positive for methamphetamines on September 7, 2017, a violation report was forwarded to the court. On October 23, 2017, the court agreed to continue the defendant on supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 19, 2017, and on November 6, 2017, the defendant submitted a urinalysis sample that tested positive for methamphetamines. When confronted, the defendant admitted to using methamphetamines before both dates. The defendant has expressed remorse for his actions, and has admitted he is struggling with his addiction. He wishes to become sober once again, and has requested assistance in doing so. As a result, the probation office has been working with his treatment provider to get the defendant placed at an in-patient treatment facility. As it relates to the violations, it is the recommendation of this officer that the defendant be placed on 90 days curfew with location monitoring, upon his return from in-patient treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. This curfew is to begin upon the defendant's release from the in-patient treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Corey Rich
Corey Rich
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2540
Executed On: November 21, 2017

ORDER OF THE COURT

Considered and ordered this 21 day of November, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge